

The 9th July, 1987

No. 9/4/87-6Lab./4946.— In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Vinmons Engineer & Founders, Plot No. 199/24, Faridabad.

BEFORE SHRI S. B. AHUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 88 of 1986

between

SHRI MAHAJAN PARSHAD C/O SH. C. L. OBERAI, GENERAL SECRETARY,
INTUC, ZILA PARISHAD I—A/119 N.I.T., FARIDABAD AND THE
MANAGEMENT OF M/S VINMONS ENGINEER AND
FOUNDERS, PLOT NO. 199/24, FARIDABAD

Present :

Shri C. L. Oberai, A. R. for the workman.

None, for the management.

AWARD

1. In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Mahajan Parshad, workman and the management of M/s Vinmons Engineer and Founders, Plot No. 199/24, Faridabad, to this Tribunal, for adjudication :—

Whether the termination of services of Shri Mahajan Parshad is justified and in order ? If not, to what relief is he entitled ?

2. The case of the petitioner is that he was employed as Furnace Operator with the respondent in May, 1984 on monthly wages of Rs. 700 per month. He alleged that respondent chose to terminate his service illegally on 6th July, 1986 without issuing him any notice or paying any compensation under Section 25-F of the Industrial Disputes Act, 1947. He assailed the order of termination of his service and prayed for reinstatement with full back wages and continuity of service.

3. On receipt of order of reference, notices were issued to the parties. The management did not appear despite service and as such *ex parte* proceedings were ordered against the management.

4. In support of his case, the workman has come in the witness box as WW-1. He deposed that he was employed in May, 1984, on monthly wages of Rs. 700 per month. He stated that his services have been terminated on 6th July, 1986 by the respondent without issuing him any notice or paying any retrenchment compensation. He has prayed for reinstatement with full back wages and continuity of service.

5. There are no reasons to disbelieve the sole testimony of Mahajan Parshad, workman particularly when the respondent has not come forward to content the proceedings.

6. It is established from the *ex parte* evidence of the workman that he joined services of the respondent factory in May, 1984 and his services have been terminated without serving him any notice or paying any retrenchment compensation. Thus the termination of his services is in utter violation of provisions of Section 25-F of the Industrial Disputes Act, and as such the same cannot be sustained.

7. In the result I hold that the termination of services of Shri Mahajan Parshad was neither justified nor in order. He is ordered to be reinstated with full back wages and continuity of service. The *ex parte* is passed in favour of the workman. No order as to costs.

S. B. AHUJA,

Dated the 18th May, 1987.

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

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Endorsement No. 584, dated the 30th May, 1987.

Forwarded (four copies), to the Financial Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

S. B. AHUJA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/4/87-6Lab./4947.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Excel Enterprises, 22-B, Industrial Area, Faridabad.

BEFORE SHRI S. B. AHUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 173/1986

between

SHRI B. D. SHARMA, S/O SHRI RAJ KARAN SHARMA, HOUSE NO. 1432,
JAWAHAR COLONY, NEAR SHIV MANDIR, FARIDABAD AND THE
MANAGEMENT OF M/S EXCEL ENTERPRISES, 22-B, INDUSTRIAL
AREA, FARIDABAD.

Present :

None.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri B. D. Sharma, workman and the management of M/s Excel Enterprises, 22-B, Industrial Area, Faridabad, to this Tribunal, for adjudication :—

Whether the termination of services of Shri B. D. Sharma is justified and in order ? If not, to what relief is he entitled ?

2. Notices were issued to both the parties. The management did not appear despite service and as such *ex parte* proceedings were ordered against the management on 19th March, 1987. The workman appeared and was also represented by Shri R. K. Haldar his authorised representative. The case was fixed for 18th May, 1987 for *ex parte* evidence of the workman. None has appeared on behalf of the workman today and as such *ex parte* proceedings are ordered against the workman.

3. It is thus apparent that both the parties are not interested in the award. Hence the reference is dismissed for non-prosecution by the workman. The award is passed accordingly.

S. B. AHUJA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 585, dated the 30th May, 1987

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

S. B. AHUJA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.